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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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11   WILLIAM NELSON,   CASE NO. 3:25-cv-05551-DGE

12   Plaintiff,   ORDER DENYING MOTION TO
              v.   REQUIRE SWORN
                                               DECLARATIONS FROM
13   WASHINGTON BOARD OF   CHAMBERS PERSONNEL (DKT.
      INDUSTRIAL APPEALS et al.,   NO. 15)
14
                   Defendants.
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17   Before the Court is Plaintiff's motion "(1) to require sworn declarations from chambers

18   personnel, (2) to ensure impartial ADA-compliant review of pro se filings, and (3) to require de

      novo judicial review of future recommendations." (Dkt. No. 15.)
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          Plaintiff requests chambers personnel submit declarations "affirming they have no bias or
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      prejudice against pro se litigants, disabled litigants (including those with long-COVID cognitive
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      impairments), or litigants who rely on computer software or AI assistance" and "describing the
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      process, authorities consulted, and reasoning" utilized in drafting the Court's order. (*Id.* at 1.)
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      Plaintiff also seeks an order re-affirming that Plaintiff's pro se filings must be liberally
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ORDER DENYING MOTION TO REQUIRE SWORN DECLARATIONS FROM CHAMBERS PERSONNEL
(DKT. NO. 15) - 1

1   construed, directing chambers personnel and the Clerk's Office to "engage in the interactive

2   process" required by Title II of the ADA and the Rehabilitation Act, and setting a status

3   conference. (*Id.* at 2.)

4   Plaintiff argues the Court "ignored" his motion for reconsideration filed on June 24,

5   2025, which "magnif[ies] the appearance that chambers staff deprioritized or overlooked it."

6   (*Id.*) Plaintiff contends a lack of immediate action on his motion for reconsideration "signals

7   possible bias" and "heightens the need for transparency about how staff decide which filings

8   merit prompt attention." (*Id.* at 3.) Plaintiff asserts the "requested declarations and safeguards

9   will restore confidence that this case will be adjudicated on its merits, consistent with the

10   Supreme Court precedent and disability law." (*Id*. at 4.)

11   Plaintiff's motion (Dkt. No. 15) is DENIED. Although Plaintiff's motion argues the

12   Court should take additional steps to alleviate his concerns about bias or impartiality, the motion

13   fails to cite any relevant legal authority supporting the relief sought in Plaintiff's motion. And

14   other than his expressed disagreement with Plaintiff's orders, Plaintiff offers no factual basis to

15   support a claim of bias or impartiality. Moreover, the Court has timely addressed the numerous

16   issues Plaintiff has raised and explained the basis for its rulings in its prior orders.

17   However, because Plaintiff raises concerns of bias and impartiality, the Court further

18   construes Plaintiff's motion as including a request for the undersigned to recuse.

19   Motions for recusal are governed by 28 U.S.C. § 144 and 28 U.S.C. § 455. Recusal is

20   required if a judge's impartiality might reasonably be questioned or if the judge harbors personal

21   bias or prejudice against a party. 28 U.S.C. § 455(a), (b)(1). Such bias or prejudice must derive

22   from an extrajudicial source. *Agha-Khan v. Mortgage Elec. Registration Sys., Inc.*, 2022 WL

23   501564, at *1 (9th Cir. Feb. 18, 2022); *Mayes v. Leipziger*, 729 F.2d 605, 607 (9th Cir.

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ORDER DENYING MOTION TO REQUIRE SWORN DECLARATIONS FROM CHAMBERS PERSONNEL
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1   1984). Under both 28 U.S.C. § 144 and 28 U.S.C. § 455, recusal of a federal judge is

2   appropriate if "a reasonable person with knowledge of all the facts would conclude that the

3   judge's impartiality might reasonably be questioned." *Yagman v. Republic Ins.*, 987 F.2d 622,

4   626 (9th Cir. 1993). This is an objective inquiry concerned with whether there is the appearance

5   of bias, not whether there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir.

6   1992).

7   "[A] party cannot manufacture grounds for recusal by fantastic allegations, by vague

8   accusations or by alleging in conclusory terms that a judge is biased, by filing an ethics

9   complaint against a judge, or even by suing a judge." *Royer v. Pennsylvania State Univ.*, No.

10   03:00-CV-290-KRG-KAP, 2012 WL 956422, at *1 (W.D. Pa. Feb. 28, 2012), *report and*

11   *recommendation adopted*, 2012 WL 954710 (W.D. Pa. Mar. 20, 2023) (internal citation

12   omitted)). "Otherwise, litigants could 'shop' for judges simply by generating a 'conflict' with

13   any presiding officer who disagrees with their view of the facts or law." *Erickson v. Long Beach*

14   *Mortg.*, No. C10-1423MJP, 2010 WL 11561884, at *1 (W.D. Wash. Nov. 2, 2010), aff'd sub

15   nom. *Erickson v. Long Beach Mortg. Co.*, 473 F. App'x 746 (9th Cir. 2012) (citing *In re Mann*,

16   229 F.3d 657, 658-659 (7th Cir. 2000)).

17   Here, Plaintiff's fear of potential bias by the undersigned does not derive from an

18   extrajudicial source. Plaintiff fails to identify any extrajudicial facts that would support a finding

19   of bias. Instead, Plaintiff takes issue with the rulings the undersigned has made thus far in this

20   litigation. Moreover, the Court does not find, and Plaintiff does not cite, any authority for the

21   proposition that taking two days to rule on a motion is suggestive of bias on the Court's part. *See*

22   Local Civil Rule 7(b)(5) ("All motions will be decided as soon as practicable, and normally

23   within thirty days following the noting date."); *Collins v. Tenorio*, Case No. CV–08–430–PHX–

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1   ROS, 2008 WL 5225805 at *2 (D. Ariz. Dec. 15, 2008) (Noting that it may be possible to

2   construct hypotheticals in which extreme delay in ruling on a motion "might be partial evidence

3   of bias that would mandate recusal or disqualification," but that a relatively brief delay would not

4   give rise to an inference of bias.). Under these circumstances, a reasonable person with

5   knowledge of all the facts would not conclude the undersigned's impartiality might reasonably

6   be questioned.

7   Accordingly, to the extent Plaintiff's motion seeks the undersigned's recusal, it is

8   DENIED. Pursuant to Local Civil Rule 3(f), the Court directs the Clerk to refer Plaintiff's

9   request to recuse to United States District Judge Tana Lin, the active judge with the highest

10   seniority.

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12   Dated this 30th day of June, 2025.

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15   David G. Estudillo
                                                United States District Judge

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